

REMARKS

Claims

Claims 1-16 are pending in this application.

Claim Rejections under 35 USC §§ 102 and 103

Claims 1, 2, 4-6, 7, 9, 10, 12-14 and 15 are rejected under 35 U.S.C. §102(e) as being anticipated by Smith et al., U.S. Patent 6,067,582; and claims 3, 8, 11 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith et al., U.S. Patent No. 6,067,582 in view of Bakshi et al., U.S. Patent No. 6,574,663. Applicants request reconsideration of the rejections for the following reasons.

Claim 1 sets forth that the software required for the constituent element is software required for the operation of the constituent element, such as a driver, for example a display driver or printer driver, etc. Therefore, unless the “software necessary for the operation of the constituent element” is installed on a user’s PC, the user’s PC will not operate correctly. Accordingly, claim 1 states that the software required for the operation of the constituent element is sent to the user's computer as determined from the stored system configuration information that corresponds to the accepted identification information. Claim 3 states that the first database is for storing information related to a constituent element of a computer system and the software required for operation of the constituent element, and further to state that the software required for operation of the constituent element which is indicated in the system configuration information, with reference to the first database, is sent to the user's

computer system. Claims 4, 7 and 8 set forth that the software is that which is required for operation of a constituent element of a computer.

In Smith, the software is distributed over a network to purchasers and the software is primarily application software or other digital data. The software is distributed to a remote computer, however the software is not of the type that is required for operating a constituent element of the computer as claimed by Applicants. Rather, the "Software Application" of Smith is software that allows a user to conduct a task on the user's PC. Accordingly, even if the "Software Application" of Smith is not installed on the user's PC, the PC will still operate correctly. The Office Action states that including the term "operation" in the claims to describe "software required for operation of the constituent element" does not aid in distinguishing the invention from the reference by stating "the applied art requires operation of the software in order for useful tasks to be accomplished." See the Examiner's Response, page 12, last paragraph. The Examiner's Response presupposes that Applicants have argued that the claimed software be merely "operable software." However, this misses the point made by Applicants. Applicants have argued that the point of difference between the present invention and Smith is that the software is "required for the operation of the constituent element [of a user's computer]". That is, the claimed software of the present invention is of a different type as compared with that of the reference.

Further, in Smith, the software that is distributed has an embedded agent module which enables communication with a remote server module within the server connected to the network. The server module communicates with the user who requests installation of the software, and, upon confirming requirements and complying with certain restrictions,

installation of the software via the agent module is performed. In the present invention, the information about the constituent elements is stored in advance, so no separate “agent module” is required, as in Smith. Therefore, Smith does not anticipate claims 1, 2, 4-6, 7, 9, 10, 12-14 and 15 under 35 U.S.C. § 102(e), and therefore the rejection should be withdrawn.

Bakshi is relied upon for disclosing the first and second databases claimed by Applicants. The first database claimed by Applicants contains “information related to a constituent element of a computer system” (i.e. device identification) and “software” (i.e., device driver), and the second database claimed by Applicants contains “identification information for identifying a computer system” (i.e., machine ID) and “system configuration information”. Bakshi only teaches a first database on network topology, i.e. “physical layout of the interconnections among linked electronic devices” (see, Bakshi, column 1, lines 20-21) and a second database on topology, software, and hardware configuration of the active devices. Therefore, Bakshi fails to teach or disclose the claimed first database, which is claimed separately of the second database, which contains system configuration information.

Whereas the present invention allows installation of appropriate device drivers to a given user PC based on the ID information of that particular user PC alone, Bakshi does not teach or suggest such a concept. In fact, Bakshi is directed to combining the two databases to select an active device based on its network location, software, and hardware to perform or install a function. See, Bakshi, column 2, lines 1-7. Here, the function refers to “a service or application”, Bakshi, column 3, line 24, and “[w]hen a desired service is not available from the active devices, the sever determination phase also selects an optimal active device to first install that new service and then to provide that service.” See, Bakshi, column 4, lines 4-7.

Therefore, Bakshi at best suggests using its second database to determine to which active device an application or a service should be installed. This is entirely different from, and logically contradicts the features of the present invention, in which a device driver, which is necessary to enable the respective device to operate correctly, is sent to the user PC based on the user PC's ID information. That is, whereas the "active device" selected in Bakshi is already operational, the user PC in the present invention would not operate correctly if the necessary device driver is not sent to it and installed. Therefore, Bakshi is insufficient when combined with Smith to render the claimed invention of claims 3, 8, 11 and 16 obvious and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

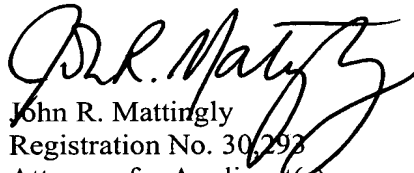
Request for Continued Examination

Applicants submit the present amendment with a Request for Continued Examination to ensure proper consideration of the arguments presented. Further, and Applicants would appreciate having an Interview with the Examiner should the Amendment not place the application in condition for allowance.

Conclusion

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination is requested.

Respectfully submitted,


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